

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Tribal Welfare Department – Appeal Petition filed by Smt. Ankam Raja Rajeswari D/o late Ankam Lakshman Rao and two (2) others, against the Proceedings Rc. No.C3/6990/2006, dated 03.02.2009 of the Collector, West Godavari District - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition allowed – Orders Issued.

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**SOCIAL WELFARE (CV2) DEPARTMENT**

**G.O.MS.NO. 25**

Dated:22.05.2013.

Read the following.

1. Proceedings of the District Collector, West Godavari, Rc. No. C3/6990/2006, dated 03.02.2009.
2. Appeal petition filed by Smt. Ankam Raja Rajeswari D/o Late Ankam Lakshman Rao and Two others, R/o Eluru, West Godavri District filed before M(TW& RIAD), dt. 12.03.2009.
3. Govt. Memo No. 2587/CV.2/2009, SW(CV.2) Dept., dated 19.03.2009 and reminders thereon.
4. From the District Collector, West Godavari, Lr. Roc C3/4851/2009 dated 17.1.2010 received on 22.3.2010.
5. Govt. Memo No. 2587/CV.2/2009, SW(CV.2) Dept., dated 29.03.2010 and 25.06.2011.
6. From the District Collector, West Godavari, Lr. Roc C3/4851/2009 dated 23.07.2012.
7. Govt. Memo No. 2587/CV.2/2009, SW(CV.2) Dept., dated 20.10.2012.
8. Govt. Memo No. 2587/CV.2/2009, SW(CV.2) Dept., dated 21.11.2012.
9. Written Arguments dated: 30.10.2012 filed by the Appellant before the Government.

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**ORDER:**

In the reference 1<sup>st</sup> read above the District Collector, West Godavari has issued orders canceling Scheduled Tribe Certificates obtained from the then Tahsildar, Eluru by Smt. Ankam Raja Rajeswari D/o late Ankam Lakshman Rao and two (2) others R/o Eluru, West Godavari District.

2. In the reference 2<sup>nd</sup> read above, Smt. Ankam Raja Rajeswari D/o late Ankam Lakshman Rao and two (2) others have filed Appeal Petition before the Government against the orders of the District Collector, West Godavari. After examining the said Appeal Petition Government have admitted the Appeal Petition and stay orders were issued on the proceedings of the District Collector, West Godavari and called for the parawise remarks and connected records from the District Collector, West Godavari in the reference 3<sup>rd</sup> and 5<sup>th</sup> read above.

3. In the reference 4<sup>th</sup> and 6<sup>th</sup> read above, the District Collector, West Godavari has furnished the parawise remarks and connected records of Smt. Ankam Raja Rajeswari D/o late Ankam Lakshman Rao and two (2) others.

4. The said Appeal Petition has been posted for hearing on 30.10.2012 finally on 03.12.2012 and the same has been informed to the appellants and were requested to attend the hearing of the case with all documentary evidences/ certificates in favour of their community claim in the references 7<sup>th</sup>

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and 8<sup>th</sup> read above. The Appellants were present and argued the case and explained their community status and the Appellants filed written arguments before the Appellate Authority in the reference 9<sup>th</sup> read above.

5. Government has examined the records and Proceedings of the District Collector, West Godavari dated. 03.02.2009, grounds and written arguments submitted by the Appellants and having considered the arguments of either side and documentary evidences of the Appellants, among other things have contented that their school records are not only oldest but also of the time of their father's admission into School, i.e., prior to independence. The caste of a person determined on the basis of the caste of his parents, basically, which confers by birth on children, though, the marriages are performed by the individuals belong to Kapu community, which has no relevance for determining the caste of a person. While quoting various Judgments of the Hon'ble Apex Courts, the Appellants held that the authorities erred in law and ignored the evidences and statements of various persons of their Caste put-forth before them with regard to the residence of their fore-fathers as Ankampalem of Polavaram (M) of West Godavari District. The Appellants also contended that the District Level Scrutiny Committee has discarded their plea, without taking into consideration, the evidences/ reports of several competent authorities who held their Caste as Konda Kapu, though there are no adverse evidences brought on record stating that they belong to Kapu Community.

6. Further it is observed that on perusal of the written arguments of the Appellants and on perusal of the material papers, copies of several documents, enquiry reports of the field officers and judgments of Hon'ble Apex Courts submitted by the Appellants and made available with the Government, it is noticed that on the allegation of obtaining bogus ST Certificates by the Appellants, a criminal case has been launched against them, in response of which, in the case filed by Appellants, the APAT while stopping further action on criminal Proceedings, directed the Collector to decide the social status of the individual (s) as per the law. Accordingly, a Departmental enquiry was instituted and the case was referred to Police Department of investigation. It appears that the Police Dept., after elaborated investigation stated that there is no evidence to prove the said fraud. It is also seen that the father of the Appellants has approached the Hon'ble High court of A.P. against the orders of the Government wherein the Collector was directed to enquire into the social status of the Appellants and also for instituting criminal case against them. The Court in its orders, while squashing the orders, directed the Government to finalize the enquiry, while taking into consideration, of the entries recorded in the school records of the Appellants father and also the opinion of the enquiry of the field officers.

7. Further it is also observed that the reports of the revenue authorities that Ankam Lakshman Rao and their fore-fathers belongs to agency area of polvaram Taluk and stayed for some time in Kammayapalem and got relationship in that Village and the co-Villagers evinced that they belong to Konda Kapu by caste and there is no recorded evidence adduced by anybody contradicting their claim as Konda Kapu caste. Similarly, the investigation reports of the Police authorities also reveal that it is established that the Appellants belong to Konda Kapu caste and there was no evidence of production of false certificates. The school certificate of the Appellants' father related to the period of pre-independence and all the enquiries made by various authorities reveal that they belong to Konda Kapu by caste. The caste of an individual never changes, even after migration to other places and marital relations with other caste people. It appears that the Collector without taking

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into consideration of the evidences and certificates produced by the Appellants in true spirit has come to a conclusion and cancelled the ST Certificates of the Appellants based on their residence in plain areas and also their marital relations with others.

8. Government after careful examination of the Appeal Petition and the facts stated supra and in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), hereby allow the Appeal Petition filed by Smt. Ankam Raja Rajeswari D/o late Ankam Lakshman Rao and two (2) others R/o Eluru West Godavari District and the Proceedings of the District Collector, West Godavari issued in the Roc. No. C3/6990/2006, dated 03.02.2009 is hereby set aside, by upholding the ST 'Konda Kapu' community certificates vide dated 06.11.1976, 21.10.1976 and 16.08.1980 issued by the Tahsildar, Eluru in favour of Smt. Ankam Raja Rajeswari D/o late Ankam Lakshman Rao and two (2) others R/o Eluru West Godavari District.

9. The District Collector, West Godavari shall take necessary action in the matter.

10. The records (containing Roc. No. C3/6990/2006, dated 03.02.2009, pages 01 to 474 CF (volume-I) and Pages 475 to 755 CF and Pages 01 to 40 NF ) received from District Collector, West Godavari District, through 6<sup>th</sup> read above, are returned herewith in original to District Collector and he is requested to acknowledge the receipt of the same, immediately.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**Dr.A.VIDYASAGAR  
PRINCIPAL SECRETARY TO GOVERNMENT(TW)**

To  
The District Collector, West Godavari (we) (By RPAD)  
(with original records).

Smt. Ankam Raja Rajeswari  
D/o Late Ankam Lakshman Rao and Two others  
R/o D.No. 24B-13-2, Opp: Vinayaka Temple,  
Pattebada, Eluru, West Godavari Dist.-534002.

**Copy to:**

The CTW, AP, Hyderabad/ the Director, TCR& TI, AP, Hyderabad.  
P.S. to M (TW)  
P.S. to Principal Secretary (TW)  
SF/SC.

**// FORWARDED :: BY ORDER //**

**SECTION OFFICER**